OPTOMETRY = Ontario Bill #105-1919 ; [sent by I P Lucas - Dept of Attorney General] May 1919

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569

No. 105. 1919.

BILL

An Act to regulate the Practice of Optometry.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Optometry Act, 1919.* Short title.

2. In this Act— Interpretation.

(*a*) "Board" shall mean Board of Examiners in Optometry appointed under the authority of this Act; "Board."

(*b*) "Regulations" shall mean regulations made under the authority of this Act. "Regulations."

3.—(1) There shall be a Board known as the Board of Examiners in Optometry which shall be composed of not more than five persons appointed by the Lieutenant-Governor in Council. Appointment and constitution of Board.

(2) The first members of the Board shall be appointed for such terms respectively that an equal number, as far as possible, shall retire annually at the end of two, four and five years respectively, and thereafter at the expiration of office of any member, his successor shall be appointed for a period of five years. Term of office.

(3) In the event of a vacancy occurring by the death, resignation or removal from office of any member, the vacancy shall be filled for the unexpired portion of the term for which such member was appointed. Vacancies.

(4) A member of the Board may be removed from office at any time for neglect of duty, incompetence or misconduct. Removal from office.

(5) The Lieutenant-Governor in Council may appoint one of the members to be Chairman of the Board and may also appoint a Secretary of the Board. Chairman and Secretary

Regulations.

4.—(1) The Board may make regulations—

Courses of training and study.

(*a*) Prescribing the course of training and education for persons engaging in the business of optometrists or opticians and the qualifications of persons to be admitted to registration as optometrists or opticians;

Academic training.

(*b*) Providing for a course of instruction for candidates for registration in any technical school or other institution in Ontario;

Reciprocity with other Provinces.

(*c*) For accepting the licenses, certificates or other evidence of qualification of persons applying for registration who have been carrying on business as optometrists or opticians, or are qualified to do so in any other Province of the Dominion of Canada;

(*d*) For fixing the fees payable upon registration and by candidates for examination and registration and for certificates of registration or exemption;

(*e*) For admitting to registration under this Act upon special terms any person who has served with the military or naval forces of Great Britain or any of her Allies in the Great War;

(*f*) Providing for the annual renewal of any certificate of registration or exemption issued under this Act and for the fees to be payable upon such renewals;

Procedure at meetings and hearing of complaints.

(*g*) Prescribing the procedure of the Board at its meetings and upon the hearing of a complaint that any person holding a certificate under this Act has been guilty of any violation of the law, or of incompetence or misconduct;

Duties of staff.

(*h*) Prescribing the duties of the secretary and staff of the Board;

(*i*) Generally for the better carrying out of the provisions of this Act.

Approval of regulations.

(2) The Regulations shall not come into force or take effect until they have been approved by the Lieutenant-Governor in Council and such approval has been published in the *Ontario Gazette*.

Register.

5. The Board shall provide a register which shall be kept by the Secretary, and in which shall be entered the name,

address and qualification of every person registered as an optometrist or optician in Ontario.

6. Every person who, after a day to be named by the Lieutenant-Governor by proclamation, files with the Secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, and possesses the qualifications as to general education, training and experience prescribed by the Regulations, may be admitted to examination by the Board as to his qualifications as an optometrist or optician, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration. Admission to registration.

7.—(1) Every person who, on or before such date as may be fixed by the Regulations, makes application to the Board in the prescribed form, may be granted a certificate of exemption from registration under this Act, and the Secretary of the Board shall enter in a book, to be kept for that purpose, the name of every person applying for such certificate, with the address at which he resides, and the address at which he carries on business. Persons practising at time of passing of Act.

(2) The certificate of exemption may be granted upon proof to the satisfaction of the Board that the applicant— Certificate of exemption.

(*a*) was carrying on business as an optometrist or optician in Ontario at the time of the passing of this Act;

(*b*) is a British subject by birth or naturalization;

(*c*) is of good character;

(*d*) possesses such education and technical qualifications as may be prescribed by the Regulations.

8. Every person selling or fitting glasses shall deliver to each customer or person fitted, a bill of purchase which shall contain the signature, post office address and place of business of the person supplying the glasses, together with a specification of the lenses and frames or mountings supplied, and the prices charged therefor, and, in the case of a person holding a certificate under this Act, the number of his certificate of registration or exemption. Particulars of bill of purchase of lenses of frames.

9.—(1) Where the Board is satisfied that any person, whether or not he is the holder of a certificate under this Act, has been guilty of illegal practices, incompetency, Prohibiting order, revocation of certificate.

inebriety, fraud or misrepresentation, the Board may prohibit such person from practising or carrying on business as an optometrist or optician and may revoke any certificate granted to him, but before the issue of such prohibition or the revocation of such certificate, the person charged shall be given notice in writing of the charge or charges against him and shall have an opportunity of being publicly heard and producing testimony on his own behalf.

Re-instatement.

(2) Where a prohibition has been issued or a certificate has been revoked, the person charged may, after ninety days, apply to have the prohibition removed or the certificate regranted, and the Board may remove the prohibition or regrant the certificate upon the payment of such fees as may be fixed by the Regulations.

Offences.

10.—(1) Every person, not being the holder of a certificate under this Act, who, after a day to be fixed by the Lieutenant-Governor by proclamation—

Use of certain titles, etc.

(*a*) Appends to his name the term "optometrist" or "optician," or any abbreviation thereof, or wilfully and falsely pretends to be, or wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to believe that he is, or is recognized by law as an optometrist or optician, or that he is registered or possesses a certificate under this Act; or

Practising while prohibited.

(*b*) Having been prohibited from carrying on business as an optometrist or optician, disobeys such prohibition; or

Peddling.

(*c*) Sells, or fits, or supplies glasses by going from house to house or from place to place, or in any other manner than from a permanent place of business, and notwithstanding that he is the holder of a municipal license as a peddler or transient trader;

shall be guilty of an offence and shall incur a penalty of not more than $100 nor less than $10.

Application of Rev. Stat c. 90.

(2) *The Ontario Summary Convictions Act* and amendments thereto shall apply to offences under this Act.

Exceptions as to medical practitioners.

11. Nothing in this Act shall be construed to apply to legally qualified medical practitioners.

Commencement of Act.

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by proclamation.

No. 105.

5th Session, 14th Legislature,
9 George V, 1919.

BILL.

An Act to regulate the Practice of Optometry.

1st Reading,	31st March,	1919.
2nd Reading,	4th April,	1919.
3rd Reading,	16th April,	1919.

Mr. Owens.

TORONTO:
Printed by A. T. Wilgress,
Printer to the King's Most Excellent Majesty.

568

Private.

ONTARIO

DEPARTMENT OF ATTORNEY GENERAL

Toronto, 12th May, 1919.

My dear Sir Robert,

Re Optometry.

I enclose copy of an Act to regulate the practice of Optometry passed at the recent Session.

You will observe it comes into force on a day to be named by proclamation.

The Act provides for the appointment of a Board of not more than five persons to be appointed by the Lieutenant Governor. The proposal is that the Board should make regulations fixing the standard of education, and making all necessary provisions for establishing a course in Optometry. It is also proposed to allow parties now practicing Optometry to continue. They will be required to register and show that they have at any rate some knowledge of the work, but apart from those now practicing all others must take the course prescribed by the regulations and pass the necessary examination.

The suggestion is that the Board should establish courses covering not more than perhaps six or eight months, possibly less. Later on the standard if deemed desirable might be raised.

The fees paid by the students taking the course should cover the expense.

It occurred to me that there should be perhaps one or two, not more, practicing opticians on the Board. If the Board should be composed of five then the other three would represent other interests. It has also occurred to me that perhaps some of the work could be taken up in connection with the University, or perhaps the Technical School. I do not want to place myself altogether in the hands of the Opticians in seeking advice and I would be glad of any suggestions you can give me as to:-

1st- The constitution of the Board.

2nd- The courses to be established

3rd- The feasibility or desirability of being in any way connected with or under the control of either the University or the Technical School.

4th- The name or names of some persons other than opticians qualified to organize the work and generally to advise the Government as to courses, regulations, &c.

Any suggestions you can make will oblige,

Yours very truly,

J. A. Wood

Sir Robt. Falconer, C.M.G.,
President Toronto University,
Toronto.